

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 HYUNDAI MOTOR AMERICA, INC., et al.,

Case No. 2:17-CV-3010 JCM (GWF)

8 Plaintiff(s),

ORDER

9 v.

10 MIDWEST INDUSTRIAL SUPPLY
11 COMPANY, et al.,

12 Defendant(s).

13
14 Presently before the court is the matter of *Hyundai Motor America, Inc. et al. v. Midwest*
15 *Industrial Supply Company*, case number 2:17-cv-03010-JCM-GWF.

16 On March 13, 2019, plaintiffs filed a notice indicating that the parties settled the case
17 pursuant to Federal Rule of Civil Procedure 68. (ECF No. 56). Under the terms of the
18 settlement-contemplated judgment on all counts in the form of a permanent injunction, damages
19 in the amount of \$75,000.00, and cost that the parties accrued. *Id.*

20 On March 14, 2019, the court entered judgment, holding that plaintiffs recover from
21 defendants \$75,000.00 inclusive of all costs and attorney's fees. (ECF No. 57). On March 15,
22 2019, plaintiffs filed a motion to amend the judgment, arguing that the judgment is not consistent
23 with the terms of the settlement. (ECF No. 58). Plaintiffs specifically assert that the judgment
24 contains three mistakes: (1) it incorrectly states that the judgment is inclusive of costs; (2) it
25 incorrectly states that the judgment is inclusive of attorney's fees; and (3) it incorrectly omits a
26 permanent injunction. *Id.*

27 Good cause appearing, the court will grant plaintiffs' motion and amend the judgment
28 pursuant to Federal Rule of Civil Procedure 60(a). The court will enter an amended judgment

1 holding (1) judgment in the amount of \$75,000.00; (2) costs plaintiffs accrued through February
2 27, 2019, (3) attorney's fees, if the court allows any upon filing of a proper motion, and (4) entry
3 of a permanent injunction with the terms set forth in paragraphs 1(a), 1(b), 2, 3, and 5, of the
4 prayer for relief in the first amended complaint. Plaintiffs shall file their motion for attorney's
5 fees and allowable costs within fourteen days of the entry of the amended judgment.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiffs' motion to
8 amend (ECF No. 58) be, and the same hereby is, GRANTED, consistent with the foregoing.

9 Plaintiffs Hyundai Motor America, Inc. and Hyundai Motor Company shall file an
10 appropriate amended judgment within ten (10) days from the date of this order awarding:

- 11 • Judgment in the amount of \$75,000.
- 12 • Entry of a permanent injunction in accordance with the following:
 - 13 ○ Midwest Industrial Supply Company ("Midwest") shall not (1)
14 misrepresent in any way the source of origin or the nature or quality of
15 Midwest's non-genuine Hyundai parts; and (2) make, manufacture,
16 import, use, distribute, ship, license, sell, develop, display, deliver,
17 advertise and/or otherwise market or dispose of Midwest's non-genuine
18 Hyundai parts.
 - 19 ○ Midwest or any of its agents or affiliates shall recall any and all products
20 and materials bearing, copying, reproducing, counterfeiting, or simulating
21 the Hyundai marks or a colorable imitation thereof.
 - 22 ○ Midwest shall file with this court and serve upon plaintiffs within thirty
23 (30) days of being served with this injunction a written affidavit signed by
24 Midwest under oath, setting forth in detail the manner in which Midwest
25 complied with the injunction.
 - 26 ○ Midwest shall not engage in further conduct which infringes the Hyundai
27 marks.
- 28 • Costs plaintiffs accrued through February 27, 2019.

- Any attorney's fees that that the court allows upon filing of a proper motion.

IT IS FURTHER ORDERED that plaintiffs shall file their motion for attorney's fees and allowable costs within fourteen (14) days of the entry of the amended judgment.

DATED April 1, 2019.


UNITED STATES DISTRICT JUDGE